

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2000-893

January 17, 2001

SANDRA L. THOMPSON, ET AL  
Request for Commission Investigation  
Regarding Central Maine Power Company's  
Decision to Apply the Current Line Extension  
Policy for a Line Extension Initiated in 1990

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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**I. SUMMARY**

We dismiss the complaint filed by Sandra Thompson and eleven other persons (Complainants) because the issues raised by the complaint have become moot due to the Land Use Regulation Commission's denial of a permit to build the line extension along the Troutdale Road at Moxie Pond in The Forks Plantation.

**II. BACKGROUND**

On October 31, 2000, the Complainants filed a letter asking the Commission to investigate certain activities by Central Maine Power Company (CMP) related to a line extension requested by the Complainants along the Troutdale Road at Moxie Pond in The Forks Plantation. The substance of the complaint is that CMP has acted unreasonably in applying its line extension policy to the Complainants. CMP revised its line extension terms and conditions effective January 1, 2000. The new policy contains a "grandfather clause." This allows customers who established a new account prior to January 1, 2000, signed a line extension contract prior to March 1, 2000, and complied with other preconstruction requirements before October 1, 2000, to pay for an extension under the prior line extension policy. In this instance, the line extension would be less expensive under the policy previously in effect. Complainants claim that they were not informed of the October 1 deadline and that CMP is responsible for their inability to comply with the deadline, as CMP did not file the necessary LURC permit application until July 13, 2000.

CMP responded to the complaint on November 13, 2000. It claims it informed Complainants about the policy and that it acted reasonably in filing the LURC application. Beyond the specific allegations, however, CMP claims that the complaint itself is moot because on November 2, 2000, LURC denied the permit application to extend electrical service to this area.

**III. DECISION**

On November 2, 2000, LURC issued its decision denying Central Maine Power Company's application to build the line extension at issue in this case. See, Denial of

Amendment A to Utility Line Permit ULP 326A. According to LURC's order, any person aggrieved by its decision may, within 30 days, request a public hearing or file an appeal with the Superior Court in accordance with 5 M.R.S.A. § 11002. At its December 14, 2000 meeting, LURC denied Lead Complainant Sandra Thompson's request for hearing. No appeal was filed in Superior Court. Without a permit, the issue of whether CMP's old or current line extension policy should apply to the proposed line extension is moot. Therefore, we dismiss the complaint as without merit, pursuant to 35-A M.R.S.A. § 1302(2).

Dated at Augusta, Maine, this 17<sup>th</sup> day of January, 2001.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

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